

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH ALLEN TRAPP,

Plaintiff,
v.
Civil Action No. 2:14-CV-12235
HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

ERIC HOLDER,

Defendant,

/

OPINION AND ORDER OF SUMMARY DISMISSAL

I. INTRODUCTION

This matter is before the Court on Joseph Allen Trapp's *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983. Plaintiff is a prisoner currently confined at the Alger Maximum Correctional Facility in Munising, Michigan. The Court has reviewed plaintiff's complaint and now dismisses it for failing to state a claim upon which relief can be granted.

II. STANDARD OF REVIEW

In order to state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) he or she was deprived of a right, privilege or immunity secured by the Federal Constitution or laws of the United States, and (2) the deprivation was caused by a person acting under color of state law. Absent either element, a section 1983 claim will not lie. *Hakken v. Washtenaw County*, 901 F. Supp. 1245,

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1249 (E.D. Mich. 1995). A *pro se* civil rights complaint is to be construed liberally. *Middleton v. McGinnis*, 860 F. Supp. 391, 392 (E.D. Mich. 1994). Under The Prison Litigation Reform Act of 1995 (PLRA), district courts are required to screen all civil cases brought by prisoners. See *McGore v. Wrigglesworth*, 114 F. 3d 601, 608 (6th Cir. 1997). If a complaint fails to pass muster under 28 U.S.C. §1915(e)(2) or § 1915A, the “district court should *sua sponte* dismiss the complaint.” *Id.* at 612. Pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915(e)(2)(A), a district court must *sua sponte* dismiss an *in forma pauperis* complaint before service on the defendant if satisfied that the action is frivolous or malicious, that it fails to state a claim upon which relief may be granted, or that it seeks monetary relief from a defendant or defendants who are immune from such relief. See *McLittle v. O'Brien*, 974 F. Supp. 635, 636 (E.D. Mich. 1997).

III. COMPLAINT

Plaintiff wishes to have his name “Joseph Allen Trapp” copyrighted. Plaintiff seeks copyright protection for his name, as well as monetary and other relief.

IV. DISCUSSION

A person’s name or likeness is not considered a “work of authorship” within the meaning of the Copyright Act, and is therefore not subject to copyright protection. See *Downing v. Abercrombie & Fitch*, 265 F. 3d 994, 1004 (9th Cir.

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2001); *See also Brown v. Ames*, 201 F.3d 654, 658 (5th Cir. 2000)(“A persona does not fall within the subject matter of copyright.”); *Landham v. Lewis Galoob Toys, Inc.*, 227 F.3d 619, 623 (6th Cir. 2000)(personal identity is “an inchoate ‘idea’ which is not amenable to copyright protection.”); *Stanford v. Caesars Entertainment, Inc.*, 430 F. Supp. 2d 749, 756 (W.D. Tenn. 2006)(a person’s image, persona, or likeness is not copyrightable); *Seifer v. PHE, Inc.*, 196 F. Supp. 2d 622, 628 (S.D. Ohio 2002)(plaintiff’s name and likeness not copyrightable). Because plaintiff is unable to obtain copyright protection for his name, his complaint fails to state a claim upon which relief can be granted.

V. CONCLUSION

IT IS HEREBY ORDERED that plaintiff’s complaint is **DISMISSED WITH PREJUDICE FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**, pursuant to 28 U.S.C. § 1915A(e)(2) and 28 U.S.C. § 1915(A).

S/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: June 19, 2014

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on June 19, 2014, by electronic and/or ordinary mail.

S/Catherine A. Pickles

Judicial Assistant